

The Honorable Franklin D. Burgess

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CARLOS MARTINEZ JIMENEZ ,

Petitioner,

v.

MARIA GUADALUPE LOZA LOZANO,

Respondent.

CASE No. C05-5736 FDB

**STIPULATION AND ORDER RE:  
CONTINUANCE OF HEARING DATE**

This Court has emphasized its preference to hear Petitioner Carlos Martinez Jimenez's testimony in person at the hearing on the Amended Petition for Return of Child to Petitioner [dkt #5] (the "Hearing"). Mr. Jimenez is a Mexican national and is in the process of securing a visa to enter the United States to attend that hearing in person. Despite the fact Mr. Jimenez's began the visa application process the better part of a year ago and has made repeated requests for expedited processing, Mr. Jimenez's visa application is still in the approval process, due to circumstances beyond Petitioner's control, including the complex visa approval process, the finite resources of the governmental agencies involved, and atypical circumstances within those agencies that have anomalously strained their finite resources. Therefore, Mr. Jimenez and Respondent Maria Guadalupe Loza Lozano, through counsel, request a limited extension of the date for the Hearing, and hereby stipulate as follows:

STIPULATION AND [PROPOSED] ORDER RE  
CONTINUANCE OF HEARING DATE - 1  
CASE NO. C05-5736 FDB

DLA Piper US LLP  
701 Fifth Avenue, Suite 7000  
Seattle, WA 98104-7044 ! Tel: 206.839.4800

(1) The Hearing is hereby continued to Thursday, January 25, 2007 at 9:00 a.m.;

(2) The parties' trial briefs to the Court are due on Thursday, January 11, 2007;

(3) Mrs. Maria Guadalupe Loza Lozano shall appear, together with RLJ, at the Hearing on January 25, 2007 at 9:00 AM;

(4) All other provisions as ordered in the Stipulation and Order Re: Case Schedule and Continuance of Hearing Date filed on June 29, 2006 [dkt. #20] shall remain in full force and effect;

The purpose of this stipulation is to facilitate preparation for the hearing on the Amended Petition for Return. This stipulation allows time for the completion of the approval process regarding Mr. Jimenez's visa application and the parties to prepare for the Hearing.

STIPULATED TO this 24th day of October, 2006.

**DLA PIPER US LLP**

s/ Kit W. Roth

Christopher M. Huck, WSBA No. 34104

\*Kit W. Roth, WSBA No. 33059

R. Omar Riojas, WSBA No. 35400

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**JAMES H. BOLDT**

s/ James H. Boldt (E-Mail Authorization on 10/23/06)

James H. Boldt, WSBA No. 32225

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E-Mail: familylawattorney1@yahoo.com

1 **IT IS SO ORDERED.**

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4 DATED this 24<sup>th</sup> day of October 2006.

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9 FRANKLIN D. BURGESS  
10 UNITED STATES DISTRICT JUDGE  
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**CERTIFICATE OF SERVICE**

I, Kit W. Roth, certify that on the 24th day of October 2006, I caused to be served  
copies of:

- (1) Stipulation and [PROPOSED] Order re: Continuance of Hearing Date; and
- (2) this Certificate of Service

to the following:

James H. Boldt, WSBA No. 32225  
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Shelton, WA 98584  
Telephone: (360) 427-1432  
Facsimile: (360) 426-5832  
E-Mail: familylawattorney1@yahoo.com  
Attorneys for Respondent

☐ Via Hand Delivery  
☐ Via U.S. Mail  
☐ Via Facsimile  
☒ Via ECF

1 I certify under penalty of perjury under the laws of the State of Washington that the  
2 foregoing is true and correct.

3 Executed at Seattle, Washington this 24th day of October, 2006.

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5 s/Kit W. Roth

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